

## CCRB INVESTIGATIVE RECOMMENDATION

|  |  |                           |   |  |                                 |
|--|--|---------------------------|---|--|---------------------------------|
| Investigator:<br>Jennifer Warren                 | Team:<br>Team # 7  | CCRB Case #:<br>200411892 | <input checked="" type="checkbox"/> Force             | <input type="checkbox"/> Discourt.       | <input type="checkbox"/> U.S.   |
|  |  |                           | <input checked="" type="checkbox"/> Abuse             | <input checked="" type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Tuesday, 11/23/2004 3:30 PM  | Location of Incident:<br>Corner of § 87(2)(b) and § 87(2)(b) | Precinct:<br>71           | 18 Mo. SOL<br>5/23/2006                               | EO SOL<br>5/23/2006                      |                                 |
| Date/Time CV Reported<br>Wed, 12/01/2004 9:47 AM | CV Reported At:<br>CCRB                                      | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Wed, 12/01/2004 9:47 AM |  |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |
|                    |      |              |

| Subject Officer(s)        | Shield | TaxID  | Command |
|---------------------------|--------|--------|---------|
| 1. SGT Mirosław Wnorowski | 05480  | 898784 | 071 PCT |
| 2. POM Berkley Vantull    | 01686  | 934156 | 071 PCT |
| 3. POM Salvatore Oliveri  | 22331  | 933641 | 071 PCT |

| Witness Officer(s)      | Shield No | Tax No | Cmd Name |
|-------------------------|-----------|--------|----------|
| 1. POM John Hammond     | 06489     | 920368 | 071 PCT  |
| 2. POM Napoleon Morales | 07808     | 906863 | 071 PCT  |

| Officer(s)               | Allegation  | Investigator Recommendation |
|--------------------------|---|-----------------------------|
| A.POM Berkley Vantull    | Force: P.O. Berkley Vantull used a chokehold against § 87(2)(b)                           |                             |
| B.POM Berkley Vantull    | Force: P.O. Berkley Vantull used pepper spray against § 87(2)(b)                          |                             |
| C.POM Berkley Vantull    | Force: P.O. Berkley Vantull used physical force against § 87(2)(b)                        |                             |
| D.POM Berkley Vantull    | Force: P.O. Berkley Vantull used physical force against § 87(2)(b)                        |                             |
| E.POM Berkley Vantull    | Abuse: P.O. Berkley Vantull stopped and questioned § 87(2)(b)                             |                             |
| F.POM Berkley Vantull    | Off. Language: P.O. Berkley Vantull made remarks to § 87(2)(b) based upon race.           |                             |
| G.POM Salvatore Oliveri  | Force: P.O. Salvatore Oliveri used physical force against § 87(2)(b)                      |                             |
| H.SGT Mirosław Wnorowski | Abuse: Sgt. Mirosław Wnorowski refused to provide name and/or shield number to § 87(2)(b) |                             |
| I.SGT Mirosław Wnorowski | Abuse: Sgt. Mirosław Wnorowski threatened to arrest § 87(2)(b)                            |                             |

## Synopsis

On November 23, 2004 at approximately 3:30 p.m., § 87(2)(b) and a group of friends had congregated after school on the corner of § 87(2)(b) and § 87(2)(b) in Brooklyn. Officers Berkley Vantull and Salvatore Oliveri asked them to disperse from the location. § 87(2)(b) alleged that P.O. Vantull stated to him, “this little nigger thinks he’s hard.” § 87(2)(g)

§ 87(2)(b). The teenagers failed leave the location and the officers separated § 87(2)(b) and “§ 87(2)(b)” to request their identification. § 87(2)(g). § 87(2)(b) verbally and physically threatened P.O. Vantull at which point P.O. Vantull attempted to place § 87(2)(b) under arrest and used general physical force, a punch to § 87(2)(b) arm and the use of pepper spray to effect the arrest. He was assisted by his partner P.O. Oliveri § 87(2)(g).

§ 87(2)(b). § 87(2)(b) also alleged that he was kneed in the face, kicked and placed in a chokehold. § 87(2)(g)

§ 87(2)(b), § 87(2)(b), § 87(2)(b) grandmother, stated that at the 71<sup>st</sup> Precinct stationhouse Sgt. Mirolsaw Wnorowski failed to provide the arresting officers’ names and shield numbers. § 87(2)(g)

§ 87(2)(b) alleged that Sgt. Wnorowski threatened to arrest her. § 87(2)(g)

### Summary of Complaint

§ 87(2)(b) phoned the CCRB on December 1, 2004, and stated that on November 22<sup>nd</sup> her grandson, § 87(2)(b) was “beaten bloody” by police officers. § 87(2)(b) provided a formal statement to the CCRB on December 14, 2004. § 87(2)(g) § 87(2)(b) said that she did not witness the incident but she stated that other witnesses reported that officers had pepper sprayed her grandson. § 87(2)(b) was arrested and taken to § 87(2)(b) When she went to the 71<sup>st</sup> Precinct stationhouse, she was refused the names and badge numbers of the arresting officers by Sgt. Wnorowski and he stated that his information was all that she needed. Sgt. Wnorowski then instructed her to leave the stationhouse before she was arrested. § 87(2)(b) went to the hospital and then back to the precinct stationhouse the next day to file a complaint against the officers who arrested her grandson. She spoke with P.O. Hammond who instructed her to call the “Police Corruption” telephone number (not the CCRB) that was posted on the wall. § 87(2)(b) stated that while she was not present during the arrest she had contact information for witnesses who were (enclosure no. 7)

## Results of Investigation

### *Victim Statement*

§ 87(2)(b) was interviewed by the CCRB on December 14, 2004. He stated that on November 22, 2004, (the actual date was November 23<sup>rd</sup>) he was walking home from school down § 87(2)(b) when he saw a group of his friends – § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) – on § 87(2)(b). Police officers were on the opposite side of the street beginning to approach his friends. He avoided the encounter by going into a store but then walked towards his friends and the officers. There were two officers and as he walked by, the officer who was black – identified during the investigation as P.O. Berkley Vantull – said within earshot, “This little nigger here thinks he’s hard.” He then asked for § 87(2)(b) identification. § 87(2)(b) gave it to him immediately without argument and then said to the officer, “You’re a bitch because you have drug dealers around here but you mess around with little people.” § 87(2)(b) then added, “And your partner’s a bitch.” § 87(2)(b) explained that he was enacting his “right to free speech.” At this point, § 87(2)(b) friend § 87(2)(b) – whose last name was not provided – crossed the street and joined the group.

The partner – identified during the investigation as P.O. Salvator Oliveri – pushed § 87(2)(b) and he ran away. P.O. Vantull punched § 87(2)(b) on the left side of his face near his eye. § 87(2)(b) did not strike back but instead raised his hands in the air. P.O. Vantull punched him a second time. § 87(2)(b) “aggressively” pushed P.O. Vantull with both hands against his chest to get him away from him. P.O. Vantull grabbed § 87(2)(b) in a headlock position, bent him down towards the ground and kneed him in the face multiple times. § 87(2)(b) dropped to the ground. A crowd began to form and P.O. Oliveri removed his pepper spray, began to shake it up and told the crowd, “Come on if you want problems.” P.O. Vantull pepper sprayed § 87(2)(b) in the face. § 87(2)(b) extended his right arm to allow himself to be handcuffed but the black officer instead kicked § 87(2)(b) in the left side of his rib cage. § 87(2)(b) extended his second arm and the officer handcuffed him. P.O. Vantull then grabbed § 87(2)(b) leg and dragged him along the ground while handcuffed. P.O. Oliveri called for back up and a marked patrol car arrived into which § 87(2)(b) was placed. One of the two arresting officers rode with him to the 71<sup>st</sup> Precinct but he could not recall which. At the stationhouse, his grandmother and his friend § 87(2)(b) were there and the officers threatened to arrest them. Officers were joking around about his arrest. One of the officers, whom he could not describe, said to one of the arresting officers, “You finally fucked one of them up!” A female officer came over to § 87(2)(b) and asked if he had any medical problems and if he had any allergies. § 87(2)(b) replied, “to police brutality.” He instructed § 87(2)(b) and his grandmother to leave the stationhouse and to just go home. He was charged § 87(2)(b). While he was in police custody he was taken to § 87(2)(b) (enclosure no. 6).

#### ***Additional Witnesses***

§ 87(2)(b) stated that she had the names and contact information for numerous witnesses that observed the arrest of her grandson yet despite repeated requests for this information, she refused to provide it. A canvass was conducted of the incident location on January 13, 2005, at which time several friends of the victim were located at the fast-food chicken restaurant on the southeast corner of the arrest location. One partial interview was conducted with § 87(2)(b) § 87(2)(g). Other individuals at the location claimed to have been present for the arrest but declined to be interviewed (enclosure no. 23).

#### ***Officer Identification***

The subject officer was identified by the arrest report which indicated that P.O. Berkley Vantull was the arresting officer. During his CCRB interview he identified the officer who assisted him as P.O. Salvatore Oliveri. Sgt. Wnorowski and P.O. Hammond were identified by the complainant.

#### ***Officer Statement – Subject Officer, P.O. Berkley Vantull***

P.O. Berkley Vantull was interviewed by the CCRB on April 18, 2005. P.O. Vantull stated that he was assigned to school detail with his partner P.O. Salvatore Oliveri. They were standing near § 87(2)(b) at the corner of § 87(2)(b) and § 87(2)(b) when they saw a group of teenagers gathered on the corner. He and his partner asked them to disperse and leave the area. § 87(2)(b) cursed at P.O. Vantull, stating, “Fuck you. You’re a fucking pussy. You can’t do anything.” P.O. Vantull took him by the arm and escorted him to the side of the bodega to separate him from his friends who P.O. Oliveri stood by. While standing with § 87(2)(b) by the bodega wall, P.O. Vantull heard loud voices behind him, he turned his head around and when he turned back § 87(2)(b) had his two fists clenched and raised in a “fighting pose” and he “lunged” towards him. P.O. Vantull wrapped his two arms around § 87(2)(b) upper torso in a bear hug to prevent the punches and he brought § 87(2)(b) to the ground. § 87(2)(b) struck him on the left side of his chest. He in return struck § 87(2)(b) on one of his arms because he was attempting to get his arms behind his back. When § 87(2)(b) continued to refuse to allow himself to be handcuffed, P.O. Vantull pulled out his pepper spray and sprayed it. It made contact with his eyes at which point § 87(2)(b) stopped resisting. P.O. Vantull called for an 85 back-up over his radio. His partner came over after § 87(2)(b) was handcuffed and he helped him pick up § 87(2)(b) from the ground. Their sergeant, Sgt. Wnorowski, arrived on the scene, as did a second patrol car but he did not recall who was in it. He sat in the back seat of a marked patrol car with § 87(2)(b) as he was being transported to the stationhouse. He did not observe injuries on him at that time but when they arrived at the precinct he saw blood on his shirt. He did not recall if he had blood on his face, but stated that it was possible. Someone called for a medic to come treat § 87(2)(b). They came and transported him to a hospital to treat him for pepper spray to the

face. § 87(2)(b) did not complain of any other injuries. P.O. Vantull did not sustain any injuries. P.O. Vantull did not state to § 87(2)(b) “this little nigger here thinks he’s hard” (enclosure no. 10).

***Officer Statement – Subject Officer, P.O. Salvatore Oliveri***

P.O. Salvatore Oliveri’s memo book entry indicated that he worked 13:00 by 21:35 hours. He was assigned to school post § 87(2)(b). He was working with P.O. Vantull. His memobook entries for the incident indicated: 2:05 10-10 § 87(2)(b). At 14:18 scratched by Sgt. Wornofsky. At § 87(2)(b) male transported to § 87(2)(b). Signed by captain at 16:10 (enclosure no. 11).

P.O. Salvatore Oliveri was interviewed on May 2, 2005. He stated that on the day of the incident he observed of about four or five teenagers on the corner of § 87(2)(b) and § 87(2)(b). He and his partner went up and told them to disperse from the area. § 87(2)(b) cursed at them, “I’m not listening to your shit. You’re a bunch of bitches. Go fuck yourselves.” § 87(2)(b) and another individual refused to leave. The officers separated the two. P.O. Vantull remained with § 87(2)(b) and P.O. Oliveri took the friend. P.O. Oliveri turned around at one point and saw P.O. Vantull “scuffling” with § 87(2)(b) on the ground. He did not hear voices or yelling. He saw § 87(2)(b) kicking on the ground and P.O. Vantull was standing, leaning over him, trying to take hold of § 87(2)(b) hands. § 87(2)(b) was flailing, punching and kicking P.O. Vantull. He went over to assist. P.O. Oliveri attempted to take hold of § 87(2)(b) hands also. The two officers managed to handcuff him. Once the handcuffs were on him he was compliant. § 87(2)(b) was assisted to a standing position. P.O. Oliveri could not see his physical condition at this time. Because “his § 87(2)(b) eyes were closed.” P.O. Oliveri stated that he believed that § 87(2)(b) had been pepper sprayed because he could smell it. He or his partner called for back up. Some civilians had gathered around. Two marked cars arrived at the scene including Sgt. Wronovsky. The sergeant instructed the officers to get into the car and to go back to the precinct stationhouse. P.O. Oliveri did not recall who transported § 87(2)(b) back to the station house but neither § 87(2)(b) nor P.O. Vantull was in the car with him. At the precinct stationhouse he saw § 87(2)(b) by the front desk. He observed that his eyes were bothering him. He observed a “scratch” on § 87(2)(b) chin but he did not see any blood. To his knowledge no relations or affiliates of § 87(2)(b) came into the stationhouse following his arrest. He believed he received the scratch during the scuffle when he was on the ground. He was instructed by Sgt. Wronovsky to take § 87(2)(b) to the hospital. At no point did § 87(2)(b) attempt to punch or kick P.O. Oliveri. Neither P.O. Oliveri nor P.O. Vantull sustained any injuries. P.O. Oliveri did not strike § 87(2)(b) in the back, in the face, or pepper spray him. With the exception of the struggle he did not indicate whether he observed P.O. Vantull strike § 87(2)(b) (enclosure no. 12).

***Officer Statement – Witness Officer, Sgt. Mirosław Wnorowski***

Sgt. Mirosław Wnorowski was interviewed by the CCRB on April 18, 2005. Sgt. Wnorowski was assigned as the schools’ sergeant. He and his driver, P.O. Morales, were approximately ten minutes away at another high school when they received a 10-85 call for back up at the corner of § 87(2)(b) and § 87(2)(b). He responded but because the traffic was congested his partner parked a block away and Sgt. Wnorowski exited the car and ran to the location. When he arrived there, § 87(2)(b) was already handcuffed and seated in the back of a patrol car. He spoke with P.O. Vantull who told him that § 87(2)(b) and his friends would not disperse and that § 87(2)(b) tried to strike him. They all returned to the stationhouse. Sgt. Wnorowski stated that an older female relative of § 87(2)(b) came into the precinct stationhouse screaming and cursing about what the officers had done to her son/grandson and that she “wanted shields and names.” She was not speaking to anyone directly but was cursing in general. He stated he remembered it because he was surprised that an older woman would be swearing that way. Sgt. Wnorowski stated that at the stationhouse he saw that § 87(2)(b) was bleeding from the lip. He believed that he was treated and given medical attention but he did not know who requested it because it was at the end of his tour and he left the stationhouse. Sgt. Wnorowski did not indicate whether or not he threatened to arrest the female relative (enclosure no. 14).

### ***Officer Statement – Witness Officer, P.O. John Hammond***

P.O. Hammond was interviewed by the CCRB on April 18, 2005. P.O. Hammond stated that on the day of the incident, November 23, 2004, he was assigned to the telephone/switchboard in the precinct from 4:00 to 12:00. He has no recollection of this incident or of any family members of § 87(2)(b) entering the precinct. He said it is a common occurrence to have family members come in to request information after an arrest. He is not often asked for his name and shield but he had no recollection of this request being made of him. He had no memobook entries for this incident (enclosure no. 16).

### ***Medical Documents***

An ambulance call report dated § 87(2)(b) indicated that § 87(2)(b) § 87(2)(b) was seen by emergency medical technicians – shield nos. § 87(2)(b) – at the corner of § 87(2)(b) and § 87(2)(b) (the 71<sup>st</sup> Precinct stationhouse). § 87(2)(b) stated that he had been pepper sprayed and said, “I want to go to the hospital.” The report indicated that § 87(2)(b) was bleeding, had minor welts to the left side of his face and was transported to the hospital for further evaluation. There were no other complaints (enclosure no. 17).

§ 87(2)(b) documents indicate that § 87(2)(b) was treated on § 87(2)(b) for chemical conjunctivitis in his left and right eye. The documents also indicated contusions to his face. No other injuries or complaints were noted (enclosure no. 18).

### ***Police Documents***

#### ***Administrative Roll Call***

The administrative roll call for November 23, 2004, for tour 2 of the 71<sup>st</sup> Precinct indicates that P.O. Berkley Vantull and P.O. Salvatore Oliveri were assigned to PCTU and worked from 13:00 hours to 21:35 hours. The document also indicated that P.O. John Hammond was assigned to the telephone/switchboard in the precinct stationhouse. The administrative roll call for tour 1 indicated that Sgt. Miroslaw Wnorowski was assigned to school supervisor in car 2202 with his driver, P.O. Napoleon Morales (enclosure no. 19).

#### ***SPRINT Report***

The communications CD indicated that on November 23, 2004 a male officer from school post § 87(2)(b) indicated that he had one male stopped on the corner of § 87(2)(b) and § 87(2)(b). He requested a warrant check from the operator. The SPRINT report indicated that at 3:25 the school post requested a “10-85” for back-up assistance. At 3:26 the officer indicated that a crowd was forming. Units including Supervisory Patrol 3, Sector F, Sector G and a second supervisor responded on-air to the request. At 3:27 a request for “no further units” was made. At § 87(2)(b) EMS was on the scene (enclosure no. 20).

#### ***71<sup>st</sup> Precinct Command Log***

The 71<sup>st</sup> Precinct command log for November 23, 2004 indicated that at 1535 hours § 87(2)(b) was arrested by P.O. Vantull § 87(2)(b). His address was listed as § 87(2)(b) § 87(2)(b). His condition was “maced” and the arrest location was listed as “§ 87(2)(b)”. Notations in the margin indicated that § 87(2)(b) was transferred to § 87(2)(b) at § 87(2)(b) hours by EMS no. § 87(2)(b) § 87(2)(b). Mother was notified and was present at the 71<sup>st</sup> Precinct stationhouse at § 87(2)(b) hours. § 87(2)(b) was returned from § 87(2)(b) at § 87(2)(b) hours and then transferred to Brooklyn Central Booking at 00:05 hours in RMP 424 (enclosure no. 21).

### ***Criminal Conviction History of Victims***

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### ***CCRB History of Subject Officers***

There were no substantiated CCRB allegations against either P.O. Vantull or P.O. Oliveri.

### Conclusions and Recommendations

The basic facts of this case are the following: On November 23, 2004 at approximately 3:30 p.m., § 87(2)(b) and several of his friends had gathered on the corner of § 87(2)(b) and § 87(2)(b) § 87(2)(g). It is also clear that P.O. Berkley Vantull and § 87(2)(b) began wrestling at which point P.O. Vantull removed his pepper spray and sprayed § 87(2)(b) in the eyes. P.O. Oliveri assisted in the handcuffing of § 87(2)(b). A call for back-up was placed and additional police cars arrived at the scene. § 87(2)(b) was transported from the 71<sup>st</sup> Precinct stationhouse to § 87(2)(b) where he was treated for chemical conjunctivitis and minor bruising to his face. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g) § 87(2)(b) alleged that after calling P.O. Vantull and his partner “bitches” P.O. Vantull immediately punched him in the face at which point § 87(2)(b) raised his arms into the air only to be met with a second punch in the face, also by P.O. Vantull. § 87(2)(g) P.O. Vantull indicated that after § 87(2)(b) called him a “fucking pussy” he escorted § 87(2)(b) to the edge of the sidewalk near a wall. Upon hearing loud voices he turned his head and when he turned back saw that § 87(2)(b) had his two fists clenched and raised in a fighting pose. § 87(2)(b) allegedly “lunged” towards him initiating the scuffle. § 87(2)(b), § 87(2)(g)

***Allegation A. P.O. Berkley Vantull made remarks to § 87(2)(b) based upon race.***

§ 87(2)(b) stated that as he walked past the two subject officers, P.O. Vantull stated, “This little nigger here thinks he’s hard.” § 87(2)(b), § 87(2)(g)

***Allegation B. P.O. Berkley Vantull stopped § 87(2)(b)***

***Allegation C. P.O. Berkley Vantull used physical force against § 87(2)(b)***

***Allegation D. P.O. Salvator Oliveri used physical force against § 87(2)(b)***

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

***Allegation E.*** P.O. Berkley Vantull used physical force against § 87(2)(b)  
***Allegation F.*** P.O. Berkley Vantull used a chokehold against § 87(2)(b)

§ 87(2)(b) alleged that P.O. Vantull punched and kneed him in the face, “dropped” him to the ground and used a chokehold on him. § 87(2)(b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

***Allegation G.*** P.O. Berkley Vantull pepper sprayed § 87(2)(b)

§ 87(2)(b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

***Allegation H.*** Sgt. Mirosław Wnorowski failed to provide name and shield numbers to § 87(2)(b)  
§ 87(2)(b)

§ 87(2)(b) stated that following her grandson’s arrest, she went to the 71<sup>st</sup> Precinct stationhouse and requested the names and shield numbers of the arresting officers. Patrol Guide procedure 203-09 regarding “Public Contact” requires that officers provide their own name and shield number when asked to do so by a civilian. § 87(2)(b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

***Allegation I.*** Sgt. Mirosław Wnorowski threatened to arrest § 87(2)(b)

Both § 87(2)(b) and her grandson, § 87(2)(b) indicated that when § 87(2)(b) entered the 71<sup>st</sup> Precinct stationhouse she was threatened with arrest. § 87(2)(b) stated specifically that Sgt. Wnorowski made the threat. Sgt. Wnorowski indicated that § 87(2)(b) was causing a disturbance in the stationhouse with her foul language § 87(2)(b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

|               |       |
|---------------|-------|
| Investigator: | Date: |
| Supervisor:   | Date: |
| Reviewed by:  | Date: |
| Reviewed by:  | Date: |